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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,106	07/20/2001	Mitchell D. Luedtke	85ER-00134	5627

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EXAMINER

FRENEL, VANEL

ART UNIT PAPER NUMBER

3626

DATE MAILED: 10/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/682,106

Applicant(s)

LUEDTKE, MITCHELL D.

Examiner

Vanel Frenel

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12192001</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the application filed on 07/20/01. Claims 1-15 are pending.

Claim Rejections - 35 USC § 112

2. Claim 2 recites the limitation "the submission of bordereaux" in line 2. There is insufficient antecedent basis for this limitation in the claim. Applicant is required to give a thorough explanation as to what type of "the submission of bordereaux" is referring to. Appropriate correction is needed in the next correspondence.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reader et al (2002/0143583) in view of Undrewood et al (5,873,066).

(A) As per claim 1, Reader discloses a process for a reinsurer to facilitate administration of a facultative automatic reinsurance agreement between a cedant and a reinsurer using a computer system (See Reader, Page 1, Paragraphs 0007-0008), said process comprising the steps of:

entering into a database in said computer system reinsurance criteria for insurance policies for which said reinsurer will agree to automatically provide reinsurance for each of said policies which is included on a report submitted to said reinsurer through said computer system (See Reader, Page 3, Paragraphs 0029-0031).

providing access to said database to said cedant (See Reader, Page 1, Paragraphs 0007-0008);

instructing said cedant to enter into said database, terms for each policy it intends to submit on said report pursuant to said agreement (See Reader, Page 1, Paragraph 0002-0003);

upon entering into said database by said cedant of terms for one of said policies, comparing said terms versus said reinsurance criteria (See Reader, Page 1, Paragraphs 0003-0004).

Reader does not explicitly disclose that the process having preventing any of said policies, for which said terms do not comply with said reinsurance criteria from being included on a report to be submitted to said reinsurer for coverage under said reinsurance agreement.

However, this feature is known in the art, as evidenced by Underwood. In particular, Underwood suggests that the process having preventing any of said policies, for which said terms do not comply with said reinsurance criteria from being included on a report to be submitted to said reinsurer for coverage under said reinsurance agreement (See Underwood, Col.4, lines 41-64).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Underwood within the system of Reader with the motivation of providing several criteria which include guidelines related to minimum premiums, hazard rating, underwriting authority, and referral criteria (See Underwood, Colo.2, lines 20-24).

(B) As per claim 2, Reader discloses a process for a reinsurer to facilitate the submission of bordereaux using a computer system, each bordereau including a listing of policies to be covered under a facultative automatic reinsurance agreement (See Reader, Page 3, Paragraphs 0029-0031), said process comprising the steps of:

entering into an agreement with a cedant establishing reinsurance criteria for insurance policies for which said reinsurer will agree to automatically provide reinsurance for said policies which are included on a bordereau submitted to said reinsurer (See Reader, Page 3, Paragraphs 0029-0031);

entering into a database in said computer system said reinsurance criteria (See Reader, Page 3, Paragraphs 0031-0034);

providing access to said database to a cedant (See Reader, Page 1, Paragraphs 0007-0008);

instructing said cedant to enter into said database, terms for each policy it intends to submit on a bordereau pursuant to said agreement (See Reader, Page 1, Paragraph 0002-0003);

upon submission by said cedant of terms for one of said policies, comparing said

terms versus said reinsurance criteria (See Reader, Page 1, Paragraphs 0003-0004);

if in said comparison step, said terms comply with said reinsurance criteria, permitting said policy to be incorporated by said system on a bordereau (See Reader, Page 1, Paragraphs 0003-0005).

Reader does not explicitly disclose if in said comparison step, said terms do not comply with said reinsurance criteria, said computer system sending a message to said cedant noting the terms that do not comply with said reinsurance criteria and instructing said cedant to correct any errors in said terms entered in said database or submit a request that said reinsurer cover said policy under said agreement despite the non-compliance of said terms with said reinsurance criteria.

However, this feature is known in the art, as evidenced by Underwood. In particular, Underwood suggests if in said comparison step, said terms do not comply with said reinsurance criteria, said computer system sending a message to said cedant noting the terms that do not comply with said reinsurance criteria and instructing said cedant to correct any errors in said terms entered in said database or submit a request that said reinsurer cover said policy under said agreement despite the non-compliance of said terms with said reinsurance criteria (See Underwood, Col.4, lines 41-64).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Underwood within the system of Reader with the motivation of providing several criteria which include guidelines related to minimum

premiums, hazard rating, underwriting authority, and referral criteria (See Underwood, Colo.2, lines 20-24).

(C) As per claim 3, Reader discloses the process wherein said terms comprise policy and ceding terms (See Reader, Page 2, Paragraph 0021).

(D) As per claim 4, Reader discloses a computer system for maintaining and administering a facultative automatic type reinsurance agreement between a cedant and a reinsurer and pursuant to which reinsurance is provided for individual insurance policies (See Reader, Page 3, Paragraphs 0029-0031) said computer system comprising:

- a server including a processor (See Reader, Page 2, Paragraph 0023);

- a database connected to said processor for storing data (See Reader, Page, 2, Paragraph 0023);

- a program executable on said processor to collect reinsurance criteria established by said reinsurance agreement and store said reinsurance criteria in said database (See Reader, Page 2, Paragraphs 0022-0024).

Reader does not explicitly disclose to collect policy data including policy and ceding terms regarding each individual insurance policy for which coverage is sought under said reinsurance agreement and store said policy data in said database, and to compare said policy and ceding terms to said reinsurance criteria and determine if said policy and ceding terms comply with said reinsurance criteria.

However, these features are known in the art, as evidenced by Underwood. In particular, Underwood suggests to collect policy data including policy and ceding terms regarding each individual insurance policy for which coverage is sought under said reinsurance agreement and store said policy data in said database (See Underwood, Col.6, lines 46-67 to Col.7, lines 16); and to compare said policy and ceding terms to said reinsurance criteria and determine if said policy and ceding terms comply with said reinsurance criteria (See Underwood, Col.4, lines 41-64).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Underwood within the system of Reader with the motivation of providing several criteria which include guidelines related to minimum premiums, hazard rating, underwriting authority, and referral criteria (See Underwood, Colo.2, lines 20-24).

(E) As per claim 5, Underwood discloses the computer system wherein said program is adapted to permit a cedant to generate a report listing all of the individual insurance policies to be submitted to said reinsurer for coverage during a specified reporting period for which it has been determined that said policy and ceding terms of said individual insurance policy comply with said reinsurance criteria (See Underwood, Col.7, lines 1-30).

(F) As per claim 6, Reader discloses the computer system wherein said program is adapted to permit said cedant to electronically submit said report to said reinsurer (See Reader, Page 3, Paragraphs 0029-0031).

(G) As per claim 7, Reader discloses the computer system wherein electronic submission of said report to said reinsurer by said program comprises the generation by said program of an electronic message transmitted to said reinsurer with a link which when selected by said reinsurer generates said report listing all of the individual insurance policies selected for submission to said reinsurer for coverage during said specified reporting period for which it has been determined that said policy and ceding terms of said individual insurance policy comply with said reinsurance criteria (See Reader, Page 3, Paragraphs 0026-0029).

(H) As per claim 8, Underwood discloses the computer program wherein if the program determines that the policy and ceding terms of a selected individual insurance policy do not comply with said reinsurance criteria, said program sends to said cedant an electronic message identifying the policy and ceding terms which do not comply with said reinsurance criteria and instructing said cedant to correct any errors in said policy and ceding terms entered in said database or to submit a request that said reinsurer cover the selected individual insurance policy under said reinsurance agreement despite the non-compliance of said policy and ceding terms with said reinsurance criteria (See Underwood, Col.4, lines 41-64).

(I) As per claim 9, Reader discloses the computer program wherein:

said program associates a status indicator with said policy data for each individual insurance policy stored in said database (See Reader, Page 2, Paragraph 0023);

if it is determined that said policy and ceding terms for a selected individual insurance policy comply with said reinsurance criteria said program assigns a first status with said status indicator associated with said policy data for said selected individual insurance policy in said database (See Reader, Page 2, Paragraphs 0022-0024); and

said program permits a cedant to generate a first report listing all of the individual insurance policies to be submitted to said reinsurer for coverage during a specified reporting period in which said first status has been assigned to said status indicator associated with said policy data for said selected individual insurance policy in said database (See Reader, Page 2, Paragraphs 0022-0024).

(J) As per claim 10, Underwood discloses the computer program wherein if the program determines that the policy and ceding terms of said selected individual insurance policy do not comply with said reinsurance criteria, said program sends to said cedant an electronic message identifying the policy and ceding terms which do not comply with said reinsurance criteria and instructing said cedant to correct any errors in said policy and ceding terms entered in said database or to submit a request that said

reinsurer cover the selected individual insurance policy under said reinsurance agreement despite the non-compliance of said policy and ceding terms with said reinsurance criteria (See Underwood, Col.4, lines 41-64).

(K) As per claim 11, Reader discloses the program as in Claim 10 wherein if a cedant submits a request that said reinsurer cover said selected individual insurance policy under said reinsurance agreement despite the non-compliance of said policy and ceding terms with said reinsurance criteria, said program assigns a second status to said status indicator associated with said policy data for said selected individual insurance policy; and said program changing said status indicator from said second status to said first status if said reinsurer approves said request for coverage of said selected individual insurance policy under said reinsurance agreement despite the non-compliance of said policy and ceding terms with said reinsurance criteria (e See Reader, Page 1, Paragraph 0002-0003).

(L) As per claim 12, Reader discloses the program wherein upon generation of said report said status indicator associated with each of the individual insurance policies listed in said first report is changed by the program to a third status (See Reaer, Page 3, Paragraphs 0031-0035); and said program permits a cedant to generate a second report listing all of the individual insurance policies to be submitted to said reinsurer for coverage during a specified reporting period in which said third status has been assigned to said status indicator (See Reaer, Page 3, Paragraphs 0031-0035); and said

program adapted to permit said cedant to electronically submit said second report to said reinsurer (See Reaer, Page 3, Paragraphs 0031-0035).

(M) As per claim 1 3, Reader discloses a process for preparing a bordereau for submission to a reinsurer using a computer system, said bordereau comprising a listing of individual policies to be covered under a facultative automatic reinsurance agreement, said facultative automatic reinsurance agreement establishing reinsurance criteria with which policy and ceding terms of each of said individual policies must comply for coverage under said facultative automatic agreement, said process comprising the steps of:

accessing a database in said computer system into which said reinsurance criteria has been entered entering into said database, policy and ceding terms for each policy intended by said cedant to be included in said listing on said bordereau (See Reader, Page 3, Paragraphs 0029-0031);

generating through said computer system a bordereau including a listing of each of said policies in which said policy and ceding terms comply with said reinsurance criteria (See Reader, Page 1, Paragraphs 0003-0004).

Reader does not explicitly disclose causing the computer system to compare said policy and ceding terms entered into said database for each policy versus said reinsurance criteria to determine if said policy and ceding terms comply with said reinsurance criteria.

However, this feature is known in the art, as evidenced by Underwood. In particular, Underwood suggests causing the computer system to compare said policy and ceding terms entered into said database for each policy versus said reinsurance criteria to determine if said policy and ceding terms comply with said reinsurance criteria (See Underwood, Col.4, lines 41-67 to Col.5, line 25).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Underwood within the system of Reader with the motivation of providing several criteria which include guidelines related to minimum premiums, hazard rating, underwriting authority, and referral criteria (See Underwood, Colo.2, lines 20-24).

(N) As per claim 14, Reader discloses the process wherein if it is determined that said policy and ceding terms for a selected individual policy do not comply with said reinsurance criteria, electronically submitting a request for acceptance to said reinsurer seeking authorization to include said selected individual policy in said listing of individual policies to be covered under said facultative automatic reinsurance agreement (See Reader, Page 1, Paragraphs 0003-0004).

(O) As per claim 15, Reader discloses the process wherein said step of generating through said computer system a bordereau including a listing of each of said policies in which said policy and ceding terms comply with said reinsurance criteria further includes

generating such a listing including any of said individual policies in which said reinsurer has approved said request for acceptance (See Reader, Page 1, Paragraph 0005).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not the applied art teaches method and system for online binding of insurance policies (2003/0093302), system for designing and implementing bank owned life insurance (BOLI) with a reinsurance option (5,806,042), Reinsurance goes virtual at General Life by Greg Mac Sweeney. Insurance & Technology. New York : Dec.1999. Vol.24, Iss.13; pg.19, 1pgs, Business Insurance Cedents not eager to buy online by Sally Roberts. Business Insurance. Chicago: Aug.28, 2000. Vol.34, Iss. 35; pg.3, 3pgs.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanel Frenel whose telephone number is 571-272-6769. The examiner can normally be reached on Monday-Thursday from 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

V.F
V.F

September 24, 2005


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